

# **UNAPPROVED**

## **Inland Wetlands & Watercourses Commission - Public Meeting, November 18, 2015**

The Inland Wetlands & Watercourses Commission held a Public Meeting on Wednesday, November 18, 2015 at 7:30 P.M. in the Town Council Chambers, Town Hall, 505 Silas Deane Highway, Wethersfield, CT 06109.

Members Present: Louis Sanzaro, Chairman  
James Kulpa  
David Ambrose  
Lawrence Buck  
Brian DiCoccio  
David Herold  
Lew Michaels

Also Present: Don Moisa IWWC Agent  
Linda Messina Recording Secretary

12 Persons in the audience

Chairman Sanzaro opened the meeting at 7:30 pm

## **GENERAL COMMENTS**

None.

## **PUBLIC HEARING**

**Application No. 664-15 Frank Dibacco, CCC Construction LLc Back La. Parcel #042016 & 043011** Application for a 22 Lot subdivision, new roads, storm water systems, sanitary sewer and public water systems.

Correspondence received: November 5<sup>th</sup> Traffic Statement from Dutton Associates and a review memo from Mike Turner dated November 16<sup>th</sup>.

Frank Dibacco of CCC Construction, 126 Colonel Chester Drive, Wethersfield, accompanied by Jim Dutton LS, John Martucci PE, of Dutton Associates and George Logan of REMA Environmental represented the application. He stated that they took into consideration all comments that were made and met with the staff last week. They submitted new drawings regarding the two lots having a buffer of 30'. P&Z issued a mandate that they wanted their uplands space. They had to eliminate two lots and take some dry property and turn it over to the town. They lost lots 16 and 22. They reviewed all items from the October 16<sup>th</sup> town staff meeting memo. They had new comments from November 16<sup>th</sup> as well. There were 22 items and four of the items relate to the Wetlands.

Mr. Jim Dutton LS of Dutton Associates represented the applicant. The applicant made a number of changes to the plan and eliminated two lots. The black hatched area is proposed as open space. 50% of the open space area has to be uplands. A maximum of 50% has to be wetlands. They meet all of the requirements of the regulations. They are required to have 25% open space and they have almost 25.7%. Of the open space that is proposed, no more than 50% of it can be wetlands and they have 49.99%.

After eliminating the two lots, all of the remaining lots have the 30' or greater of rear yard. Lots 1, 14 and 18 don't have any wetlands on them. Lots 12, 16 and 19 all have a 30' buffer.

They had proposed two water quality basins and, based on the Engineer's comments, they were eliminated. They had proposed two additional outlets and there was an existing storm sewer that traversed the site. They were relocating a portion of that because that's not water that's generated from their site, it's generated from somewhere else. What the marked up plan indicates is now there is only going to be one drainage system. They will pick up the existing 30" pipe that is traversing the site and it will run down the road and essentially discharge in the same location as it always has and will eliminate the dual drainage system. Mike Turner found that acceptable. They haven't completed the final design but they did check to see if the elevations will work and they all will. The pipe sizes will have to be increased above the 30" but they can do that.

In terms of wetlands impact, the biggest portion of the wetlands impact is a small isolated spot of wetlands that's right in the middle of the road. Originally, they had some very small amounts where the discharge from the storm sewer comes adjacent to the wetlands. The total wetlands impact area is going to be less than .05 acres or 2,300 square feet in total. That includes the patch of wetlands that will be filled that will be crossed by the road. A couple of the lots are an odd configuration. They were renumbered because of the two that were eliminated. Lots 13, 19, and 20 are an irregular shape so they can comply with the open space requirements.

Most of the lands that's attached to the lots that's surplus is wetlands. It's a regulated area and there is no activity proposed in that area.

With regard to the other staff comments, there was a concern with the grading along the west end side behind Lots 1 through 7. They've added notes to the plan. The concern was that the lots were generally draining from the north to the south and they didn't want all of the water from the back yards to wind up all in the back yard of Lot #1. The intention is to direct the water in

between each one of the lots out to the street so it can be collected into the storm sewer. The conceptual grading plan that they have submitted has added notes to that effect and each plot plan will need to show a specific house footprint and all required erosion sedimentation controls and the grading to be in conformance with that lot.

Staff suggested trying to conduct that grading on the lots while the road is being built but that doesn't make a lot of sense because it depends on the style of house that is going to be built there. It makes more sense to make sure it's well known that the grading needs to direct the water out towards the street.

There are still a few outstanding issues, most of which are Planning and Zoning issues and they are working with staff to resolve. One issue that they may be interested in is the 100 year flood – there was not a detailed study – FEMA did not actually calculate the 100 year flood elevation for the 1860 reservoir. Mr. Dutton looked at the mapping he could find and it appears as though the spillway elevation is somewhere between 208½ - the water elevation on the lake was 208½ - it looks like that elevation of the water level might have been low. He suspects that the top of the berm is like 210½, somewhere in that range, so he made a conservative estimate of the 100 year flood being 210. The lowest basement floor elevation that they have is 2½ feet above that. He has no concerns with any of the houses being flooded in a 100 year water event in that water shed.

The box culvert right along the southern edge of the property, there is another 30" pipe that discharges and runs from the west towards the east towards the reservoir and right at the end of the old road right of way, there was a box culvert that essentially isn't functioning. It's mostly filled with dirt. The water from that ditch has bypassed it and goes around it. The people on the south indicated that there are flooding issues. This plan proposes maintenance of that ditch. Part of the problem is that it is overgrown. They propose to re-shape the ditch to something that makes sense, line it with an erosion control fabric, plant it, seed it and remove that box culvert and that will go a long way to mitigate any flooding issues along that southerly ditch. Eventually, the developer plans on having the Boy Scouts build a foot bridge over that swale so that they can access the open space from the south. The ditch will be 4' wide and about 2' deep.

The water quality basins have been eliminated. They still have a discharge on the northerly drainage system. The discharge is actually in the same location. They just eliminated the water quality basin as they were directed to do so. The outflow from that system will go into a 10' wide, very flat swale that will be lined with erosion control fabric and ultimately discharge just to the west of the sanitary sewer easement and then ultimately down into the reservoir. So it has 200' or so of flow through an open grass swale. There will be a seed mix that will keep the woody vegetation down and provide some benefit.

With regard to comments made by Commission members in the memo today, essentially, these plans address all of those issues that were raised. Commissioner Buck had a few questions and the two lots have been eliminated. The original plan had proposed some wetland mitigation areas because they had proposed wetland impacts on those two lots that were tight and their plan was to create some wetland areas, but they've eliminated those two lots so they've eliminated the area they were going to re-create and create wetlands. They are still working on the Zoning

issues. There was a question about the water quality basins being planted and they are eliminated so they aren't going to be planted. The Town Engineer has requested sedimentation structure at the northerly outlet – he thought they had added it, but they missed it. There is already a detail of it on the plan, they just have to make sure it's shown on the plan profile view. There was a concern about de-watering during construction of the sewer. One of the manholes is pretty deep, likely into groundwater. They had notes on the plan about trench de-watering and they've added the detail and the location of how to dispose of that de-watering water without wreaking havoc anywhere else.

Frank Dibacco wanted to address one more issue on the November 16<sup>th</sup> comments - Item #11 on the staff minutes – it refers to specific lots that Mike Turner had issues with in reference to the wetlands. When you look at the lots, they aren't quite sure, but they want to review them because he doesn't want to have any more issues with them, Lot #1 will not have any wetlands on the property at all. Lot #12 has well over the 30' buffer. Lot #14 the wetlands are way across the boundary. There will be an easement down Lot #13 to put in a footing drain just for daylighting purposes. Lot #16 has a 35' buffer. Lot #18 is surrounded by uplands only and has a 40' rear yard. Lot #19 has a parcel that is wetlands but there is a setback almost 40' before it gets to wetlands.

Jim Dutton stated that they added street lights and the Fire Marshall wants two fire hydrants added at the locations requested. They are going to be requesting a few waivers for sidewalks. They are proposing sidewalks along the western side of the main road. They will also be seeking a waiver for the two cul de sacs roadways to reduce the pavement width from 30' to 24'.

Commissioner Sanzaro opened up the meeting to the Commissioners for any follow-up questions.

Commissioner Buck asked if anything been determined about the ownership of the open space.

Response from Frank Dibacco - All of the ownership of the open land will be turned over to the town.

Commissioner Buck asked if the town had indicated a willingness to accept it.

Response from Frank Dibacco – By Planning & Zoning regulations, they have to take it.

Commissioner Buck had a question regarding the “extra” open space. He understands that what they are showing is open space to the letter of the regulation he for one believes that Mr. Turner would be much more comfortable if the “excess” open space that is now part of Lots 13, 19 and 20 was made part of the open space even though it means that the open space in aggregate doesn't meet the 50% uplands area but the town is getting its % of the parcel as uplands space.

Response from Frank Dibacco – He begged Peter Gillespie to let him do that and the answer is no. The regulations clearly state that they have to have 50% of whatever space they give as uplands. So if he carves off from Lot 12 to Lot 15 and give all of that up and give it to them, but he can't. They won't let him do it.

Commissioner Buck stated that his experience is that the Commission could go against the recommendation of its staff. Probably a 2/3 majority of the Commission could modify away this regulation.

Response from Frank Dibacco – You could probably do that, but according to the Town Attorney, he's already rendered judgement on it, and you can't. If you can get around it, you can have it.

Commissioner Buck asked if he would be comfortable with a conservation easement over the so called excess flatlands areas.

Response from Frank Dibacco – They tried that on the previous submission and the comment came back from Peter that they didn't want that responsibility either. Ultimately, what he would like to do is just give it to them as a donation, but he can't do it today.

Commissioner Kulpa had a question on the water quality swales. Is there a note on the plans stating that the New England wet mix will be used on the swales? The detail says seed mix but it should be more specific.

Response from Mr. Logan – Yes, he picked a slightly different mix for the application that they have. It's the erosion control restoration mix. The intention is to use that in the swale along the south and the water quality soil. It's a more appropriate seed mix. It's from the same company but it has species that are more appropriate for the specific use.

Commissioner Kulpa asked if there is any mitigation proposed as far as the wetlands impacts goes?

Response from John Martucci - That is basically off the table. It is up to the Commission's judgement as to whether they need permission. That was due to the impact from those two lots, but now that the lots have been eliminated, if the Commission feels that the filling of that isolated disturbed wetlands of 2,500 square feet warrants some kind of mitigation, it is on the judgement of the Commission.

Commissioner Kulpa stated that he was trying to follow the red line markups that they have on this plan, when they implement that and have it on the plan, will that remove the southern quality water swale?

Response from John Martucci – Yes. The drainage system gets tied to the existing drainage pipe which will probably be sized up. The one to the north remains.

Commissioner Kulpa stated that on the two notes on the plans, they still say Town of East Windsor.

Response from John Martucci – They will fix that.

Correspondence received - November 5<sup>th</sup> Traffic Statement from Dutton Associates and Mike Turner's November 16<sup>th</sup> memo.

Commissioner Sanzaro opened it up to the public for comment. There were no comments.

Chairman Sanzaro closed the Public Hearing.

### **PUBLIC MEETING**

**Application No. 664-15 Frank Dibacco, CCC Construction LLC Back La. Parcel #042016 & 043011** Application for a 22 Lot subdivision, new roads, storm water systems, sanitary sewer and public water systems.

Motion by Commissioner Buck to Approve the application as a Plenary Ruling with the condition that the drainage plans be revised as shown on the red lined plans received No. 17, 2015 by the Town of Wethersfield Engineering Division to the satisfaction of the Town Engineer, seconded by Commissioner Ambrose.

All voted in favor, motion passed.

Motion by Commissioner Buck to Approve the Erosion/Sedimentation plan, seconded by Commissioner Herold.

All voted in favor, motion passed.

**Application No. 667-15 E/S Ridge Road Development Group, Land of Special Purposes 5011 LLC, 275 Ridge Rd. Parcel No 073-017.** Application to construct a 71 Unit Apartment Building with stormwater discharge into a regulated area.

Also seeking Erosion and Sedimentation Control Certification.

Commissioner Buck recused himself and left the room.

Doug Ellis PE of Buck and Buck, East Hartford, represented the applicant. Plans were presented. They are proposing a 70 unit apartment building to be accessed from the existing road. The wetlands were represented on the plan. All utilities will be brought in from existing. There is an existing 42" conduit storm drain on the property and an 18" MDC sewer that runs through the property. They will be bringing all of the utilities in from the existing lines. They have designed it so that the parking lot is a bowl in and of itself so the drainage comes back into their storm drainage system. They have a hydrodynamic storm separator to remove oils and solids and they have a large bank of 48" pipe to store the increases in run-off and that's discharged into a catch basin where they will have small orifices to basically mimic the existing peak flows so they don't have any increases in peak flows. They do not have any direct wetland impact. They do grade up right near the wetland. They graded the parking lot into a bowl so the run-off will be self-contained. They do have a discharge. They lined it up right next to the

discharge of the existing pipe which is right near the wetlands. Mike Turner had some comments and one was relating to that and that they add some riprap there. If they do add riprap, it will be a slight impact on the wetlands or he can pull it back. It just makes sense to line it up with the existing wall that's there. One of the other comments is that he was worried about the proximity, they actually brought the grade down so that they wouldn't grade into the wetlands, they have no proposed filling of the wetlands.

Diane Barns, Landscape Architect, Diane Barns Landscape Design, represented the applicant. They have trees in the islands of the parking lot. They will have various perennials and shrubs around the building and the parking lot. On the perimeter on both the north and the southbound grade, they have pine trees that will serve as a buffer. They are also requesting fencing along those two property lines. Part of their goal is to help shield the neighbors from any of the impacts of the development on the site. They would like to put a 6' solid stockade fence along the property line. It would run through the wetlands. The fencing and pine trees will also serve as a noise buffer from the Wilbur Cross Parkway. There is a slight piece of wetlands that she pointed out on the drawing. They would not put fencing over the stream channel.

Commissioner Sanzaro opened up the meeting to the Commissioners for any follow-up questions.

Commissioner Ambrose had a comment. He can't remember any time when they've ever allowed anyone to put a fence in a wetland area. He doesn't know what the policy should be. He thinks that the merit of it is evident. He doesn't know whether an exception can be made or if they can do a little more investigation into this.

Commissioner Sanzaro asked if the fence is something they are definitely going to do or are they suggesting it?

Response from Diane Barns – They would like to not send this into a public hearing and if it's going to be a problem, then they would take the fence off of the drawings. Right now, it's on the drawings and they would like to have it.

Commissioner Sanzaro asked when they will be starting the project.

Response from Doug Ellis – Construction will start next spring. They have an application in front of P&Z, but they haven't been there yet.

Commissioner Ambrose commented that he wonders how many people that live on the street next to it would want to be part of a public hearing to voice their opinions on it.

Response from Diane Barns - They will be part of a public hearing for Planning & Zoning and they've also had two neighborhood meetings and it was clear that they would like as much buffering as possible. Some buffering will be done with the pine trees. There also is some buffer of existing vegetation. If the Wetlands Commission doesn't want a fence, they will take it off the plans.

Commissioner Sanzaro stated that if they wanted to keep the fence, they probably would have too many questions and would be unable to vote on it tonight. They would have to table it and research it. They would take it up at the next meeting to decide if they need to have a public hearing on it.

Response from Diane Barns - If it will go to a public hearing, they will take the fence off.

Commissioner Ambrose stated that he doesn't see how they can say they are okay with it without a public hearing.

Commissioner Sanzaro asked how many posts there would be.

Response from Diane Barns – Approximately 25 posts give or take a few. There would be no vehicular traffic. There would be a 1' inset from the property line.

Commissioner Kulpa asked how they would handle existing trees.

Response from Diane Barns – The fence would meander around the trees. They don't want to take down any existing trees to put a fence up.

Commissioner Ambrose asked if some of the people on Toll Gate Road have fences at their back property line now?

Response from Doug Ellis – There is actually an existing stone wall that is in the back of some of those properties. It does stop and start.

Commissioner Herold stated that he doesn't know if they should approve something that has never been approved before – allowing any activity at all to be in the wetland. He wishes it could have been investigated before coming before them.

Response from Diane Barns – On public park lands like a trail through wetlands, they do post holes to support boardwalk and that sort of thing. It's very common to do. She's been in other towns where they needed gates across driveways where wetlands were right next to them and the towns had no problem in allowing a post hole because it's not filling in, it's not impacting vegetation.

Commissioner Sanzaro stated that considering that they do not want to go to public hearing and they would pull it now if necessary, but they want to give them an option of going through that, so he suggests that they table it until the next meeting which is December 16<sup>th</sup>.

Response from Doug Ellis - December 1<sup>st</sup> and December 15<sup>th</sup> are P&Z meeting dates so that still wouldn't be in time.

Commissioner Kulpa asked if they would be willing to keep the fence east of the stone wall and inside the wetlands line.



Response from Diane Barns – Yes, they could do that.

Commissioner Kulpa had a question about the soil information. He noticed that they had some moorings. Will they have to blast?

Response from Doug Ellis – They are staying away from blasting. They are ripping it.

Commissioner Kulpa asked if there was a sidewalk out to the street to encourage pedestrian ...

Response from Doug Ellis – There is existing sidewalk that is close to Ridge Road.

Motion by Commissioner Kulpa to Approve as Summary Ruling with the condition that the fence proposed along the northerly property line by the landscape architect be moved south along the rear of the parking in the upland area to minimize the wetlands impacts, seconded by Commissioner Ambrose.

All voted in favor, motion passed.

Motion by Commissioner Herold to Approve the Erosion/Sedimentation plan, seconded by Commissioner Kulpa.

All voted in favor, motion passed.

## **GENERAL BUSINESS**

1. Approval of Minutes - October 21, 2015  
(LS,BO,JK,DA,LB,BD,DH)

Motion by Commissioner Ambrose seconded by Commissioner Herold to Approve the minutes with the suggested corrections.  
All Commissioners present at the meeting voted in favor. Motion passed.

2. Correspondence (No Action Required)

Sound Outlook Newsletter  
Habitat Newsletter – from the CT Association of Conservation and Inland Wetlands Commissions.

**ADJOURNMENT**

Chairman Sanzaro Adjourned the meeting at 8:25 pm

I hereby certify that the above is a true copy of the minutes approved by the Inland Wetlands & Watercourses Commission.

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Don Moisa, Wetlands Agent

Date